

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
)
v.) Case No: 1:20-CR-11-CLC-SKL
)
STEVEN DYAL)

ORDER

United States Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Count One and Count Two of the five-count Second Superseding Indictment; (2) accept Defendant's plea of guilty to the lesser offense of the charge in Count One, which is conspiracy to distribute and possess with intent to distribute 5 grams or more of methamphetamine (actual) and 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine, and to Count Two of the five-count Second Superseding Indictment; (3) adjudicate Defendant guilty of the lesser offense of the charge in Count One, which is conspiracy to distribute and possess with intent to distribute 5 grams or more of methamphetamine (actual) and 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine, and of Count Two of the five-count Second Superseding Indictment; (4) defer a decision on whether to accept the amended plea agreement until sentencing; and (5) order that Defendant shall remain in custody until sentencing in this matter. (Doc. 363.)

Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Lee's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 363) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Count One and Count Two of the five-count Second Superseding Indictment is **GRANTED**;
- (2) Defendant's plea of guilty to the lesser offense of the charge in Count One, which is conspiracy to distribute and possess with intent to distribute 5 grams or more of methamphetamine (actual) and 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine, and to Count Two of the five-count Second Superseding Indictment is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the lesser offense of the charge in Count One, which is conspiracy to distribute and possess with intent to distribute 5 grams or more of methamphetamine (actual) and 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine, and to Count Two of the five-count Second Superseding Indictment;
- (4) A decision on whether to accept the amended plea agreement is **DEFERRED** until sentencing; and
- (5) Defendant **SHALL REMAIN** in custody until sentencing in this matter, which is scheduled to take place on **May 5, 2021, at 2:00 p.m.** before the undersigned.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE